

WCB Ticket No. 03-14

03-16746

DOCKET FILE COPY ORIGINAL

May 30, 2003

Confirmed

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

JUN 11 2003

Distribution Center

RECEIVED & INSPECTED

JUN 05 2003

FCC - MAILROOM

RE: WCB/Pricing Docket No. 03-14

Dear Ms. Dortch;

In May of 2002 a company by the name of Private Lines, Inc.¹ provided me, through Verizon, with Remote Call Forwarding (RCF) service.² This service has enabled me to communicate by telephone with my husband who is incarcerated 140 miles away from me at Sullivan Correctional Facility in an affordable manner. Without this service I cannot afford telephone contact with my husband due to MCI's outlandish prices.³ The New York State Department of Correctional Services (DOCS) and MCI place an additional 60% surcharge on every call made by a prisoner from a NYS Correctional Facility.

To my great dismay on Monday, May 19, 2003 my husband was threatened with severe disciplinary action if he did not agree to have our RCF number removed from his call list immediately even though we've been using it for a year without incident. Evidently MCI and DOCS believe it is legal to block alternative collect call services from companies such as Private Lines, Inc. and Outside Connection, Inc. etc. However these companies believe it is unlawful to block their service. The conduct of DOCS and MCI cannot possibly be a legal form of communications policy. I am of the understanding that the commission has expressed a desire for competition in the prison phone market.

The DOCS Central Office informed me that RCF has recently been prohibited but would not provide me with any reason or explanation as to why. RCF is not in violation of the DOCS rules & regulations pertaining to an inmate's telephone usage (which consists of three policies) due to the fact that the call's final destination is set by the telephone company and can be provided to the prison.⁴ Therefore there is no legitimate reason for prohibiting this service. MCI & DOCS are monopolizing the telephone market by refusing to allow inmates and their families and friends to use alternative call services.

Please do not let MCI and DOCS get away with this. It is we, the families and friends of the inmates who are being harmed by the conduct of MCI and DOCS, as we are the ones who pay for the phone calls. Imagine how painful it would be if you could not speak to your loved ones on a regular basis because you simply couldn't afford too.⁵ I can't express to you in words the horror of this and I know firsthand because I'm living it. Since the correctional facility threatened my husband I can no longer afford to speak to him. Shouldn't we be entitled to affordable options that enable us to speak to our loved ones? Without the option of alternative call services, keeping a connection to a loved one in prison is not financially possible.

I feel quite sure that after bringing this serious matter to your attention you will see the great injustice that is being done and you will do everything in your power to prevent MCI and DOCS from monopolizing the telephone market so that we, the families and friends of inmates, can and will have alternative call services available to us.

Thank you in advance for your attention regarding this matter. Feel free to contact me anytime at either my office (516) 686-2504 or my home (631) 262-1218

Respectfully yours,

Ramona Austin

Ramona Austin

13 Crest Drive E. Northport Ny 11731

Cc: Sen. Hillary Clinton (D-NY)
Sen. Charles Schumer (D-NY)
Sen. Dean G. Skelos (9th Senate District)
Rep Steve Israel (D-NY 2nd)
Brian Prins, President Outside Connection, Inc.
Private Lines, Inc.
Kym Clark, Prison Families Community Forum
Barbara Allan, Prison Families Anonymous

¹ Private Lines, Inc. is a leader in bringing down the cost of inmate phone calls. All lines are set-up in the family's name and are legally tariffed lines issued by Private Lines, Inc. PUC & FCC approved carriers. This service allows families with loved ones in prison to receive calls anywhere in the U.S. at a fixed rate of 8 cents per minute for both in state and state to state calls regardless of time. By using Private Lines, Inc. service inmate's families, friends and attorneys can save up to 70% on collect calls.

" RCF is a common feature available from most local exchange carrier's that allows a customer to have a local telephone number in a distant city without using (and paying for) a dedicated private line circuit. All calls received at the local number are forwarded automatically by the telephone company's central office equipment by dialing the "ring to" number of the terminating location. Virtual Relocation through RCF is an economical arrangement that relocates "virtually" to the local calling area of the prison. This should be unobjectionable from a policy standpoint because the carrier selected by the prison (MCI) to provide inmate calling service still handles 100% of inmate calls. However, available technology allows the families to virtually locate to a point within the local calling area of the prison as to enjoy local collect, as opposed to toll collect call rates.

" The DOCS chose MCI because they offered the state the largest kickback. In exchange for giving MCI a monopoly in the prisons, DOCS receives a 60 percent commission from the telephone company. Profits for 2003 will exceed \$24 million. Since 1988 families have been illegally taxed more than \$126 million. Our families are being forced to pay DOCS bills. These surcharges isolate some prisoners and contribute to a deterioration of family relationships. Family contact and support are important to reducing inmate recidivism.

" The DOCS policy embodied in Section 270.2 of the DOCS regulations 7 NYCRR § 270.2 prohibits the recipient of any collect call from a NY State prison from forwarding that call to another phone number (i.e., the fear that the called party will redirect a call to a prohibited number), and authorizes DOCS to instruct MCI to program the Inmate Calling Service system to prohibit calls to any phone number where the recipient of a call has engaged in this prohibited conduct. Nothing in the way RCF operates results in any greater risk of this prohibited conduct than exists with respect to calls transmitted end-to-end by MCI because the "ring to" number associated with RCF can be reprogrammed only by the telephone company that provides the RCF functionality (in my case Verizon), not by the called party (me) and that is why this policy does not apply. RCF is consistent with the legitimate security concerns of correctional facilities.

" While the price paid for local collect calls from a correctional facility is still higher than the price of other local collect calls (since local calls from correctional facilities are substantially more expensive than local collect calls from other phones), it is still significantly less for local collect prison calls than for long distance collect calls from the same institution. Rather than moving to the same community where the prison is located (which is an unrealistic option for most families), a more practical approach is RCF.